

RENZ D. JENNINGS
CHAIRMAN

MARCIA WEEKS
COMMISSIONER

CARL J. KUNASEK
COMMISSIONER



ARIZONA CORPORATION COMMISSION



0000000336

DATE: AUGUST 1, 1996

DOCKET NO: U-2483-96-371

TO ALL PARTIES:

Enclosed please find the recommendation of Hearing Officer Scott S. Wakefield. The recommendation has been filed in the form of an Opinion and Order on:

TONTO HILLS UTILITY COMPANY (EMERGENCY RATE INCREASE)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Hearing Officer by filing an original and ten (10) copies of the exceptions with the Commission's Docket Control at the address listed below by 5:00 p.m. on or before:

AUGUST 12, 1996

The enclosed is NOT an order of the Commission, but a recommendation of the Hearing Officer to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Working Session and Open Meeting to be held on:

AUGUST 20, 1996 and AUGUST 21, 1996

For more information, you may contact Docket Control at (602)542-3477 or the Hearing Division at (602)542-4250.


James Matthews
EXECUTIVE SECRETARY

JM
Enc.
cc: ALL PARTIES

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 RENZ D. JENNINGS
CHAIRMAN
3 MARCIA WEEKS
COMMISSIONER
4 CARL J. KUNASEK
COMMISSIONER

5 IN THE MATTER OF THE APPLICATION OF)
6 THE TONTO HILLS UTILITY COMPANY FOR)
7 AN EMERGENCY INTERIM RATE INCREASE)
IN WATER SERVICE.)

DOCKET NO. U-2483-96-371

DECISION NO. _____

OPINION AND ORDER

8 DATE OF HEARING: July 24, 1996

9 PLACE OF HEARING: Phoenix, Arizona

10 PRESIDING OFFICER: Scott S. Wakefield

11 APPEARANCES: Mr. Don Unthink, Vice President, on behalf of Tonto Hills Utility
12 Company;

13 Mr. Fred Osmon, in pro personia, and on behalf of Tonto Hills
14 Homeowners Association, Intervenors;

15 Mr. Howell Conant II, Intervenor In Pro Personia; and

16 Mr. Bradford Borman, Staff Attorney, Legal Division, on behalf of the
Utilities Division of the Arizona Corporation Commission.

17 **BY THE COMMISSION:**

18 On June 28, 1996, Tonto Hills Utility Company ("Company" or "Applicant") filed an application
19 with the Arizona Corporation Commission ("Commission") for an emergency increase in its water rates
20 ("Application"). By Procedural Order dated July 11, 1996, a hearing in this matter was set for July 24,
21 1996. On July 15, 1996, Mr. Fred Osmon, President of Tonto Hills Homeowners Association, filed a
22 Notice of Intent to Intervene. Also on July 19, 1996, Mr. Howell Conant II filed a request to intervene.
23 By Procedural Order dated July 17, 1996, Tonto Hills Homeowners Association's request to intervene
24 was granted. At the hearing on July 24, 1996, Mr. Howell Conant II's request to intervene was granted.

25 On July 24, 1996, a hearing was held before a duly authorized Hearing Officer of the Commission
26 in Phoenix, Arizona. At the beginning of the hearing, the Company requested to withdraw its
27 Application in this matter. The hearing was then concluded and the Hearing Officer took the matter
28 under advisement pending submission of a Recommended Opinion and Order to the Commission.

1 * * * * * * * * * * * *

2 Having considered the entire record herein and being fully advised in the premises, the

3 Commission finds, concludes, and orders that:

4 **FINDINGS OF FACT**

5 1. Applicant is a public service corporation which provides water utility service to the public

6 in Maricopa County, Arizona.

7 2. On June 28, 1996, the Company filed an Application with the Commission for an

8 emergency rate increase in its water rates.

9 3. On July 11, 1996, the Commission scheduled a hearing in this matter for July 24, 1996.

10 4. On July 15, 1996, Tonto Hills Homeowners Association and the Chairman of its Water

11 Resources Committee requested intervention in this proceeding which was granted July 17, 1996.

12 5. On July 19, 1996, Howell Conant II requested intervention in this proceeding, which was

13 granted on July 24, 1996.

14 6. At the hearing on July 24, 1996, the Company moved to withdraw its Application. The

15 Company indicated that the end of the high usage season, monsoons and conservation have resulted in

16 the Company no longer needing to truck in additional water.

17 7. Neither the Commission's Utilities Division Staff nor the intervenors objected to the

18 withdrawal of the Application.

19 **CONCLUSIONS OF LAW**

20 1. Applicant is a public service corporation within the meaning of Article XV of the Arizona

21 Constitution and A.R.S. §§ 40-250 and 40-251.

22 2. The Commission has jurisdiction over Applicant and the subject matter of the Application.

23 3. It is reasonable to dismiss the Application.

24 ...

25 ...

26 ...

27 ...

28 ...

ORDER

IT IS THEREFORE ORDERED that the Application of Tonto Hills Utility Company for an emergency interim rate increase for its water service be, and hereby is, dismissed.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE CORPORATION COMMISSION.

CHAIRMAN

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, JAMES MATTHEWS, Executive Secretary of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this ____ day of ____, 1996.

JAMES MATTHEWS
EXECUTIVE SECRETARY

DISSENT
SSW:dap

SERVICE LIST FOR:

TONTO HILLS UTILITY COMPANY

DOCKET NO.:

U-2483-96-371

James F. Skane, President
TONTO HILLS UTILITY COMPANY
42602 North Turquoise Lane
Cave Creek, Arizona 85331

Fred L. Osmon, Chairman
TONTO HILLS HOMEOWNERS ASSOCIATION
11732 E. Blue Wash Road, Tonto Hills
Cave Creek, Arizona 85331

Howell Conant II
42834 Hohokam Road
Cave Creek, Arizona 85331

Paul A. Bullis, Chief Counsel
Bradford Borman, Staff Attorney
Legal Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

Gary Yaquinto, Director
Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington
Phoenix, Arizona 85007